

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JAMES EDWARD THOMAS II,

Petitioner,

v.

CIVIL ACTION NO. 1:16CV45
(Judge Keeley)

CHARLES WILLIAMS,

Respondent.

ORDER ADOPTING MAGISTRATE JUDGE'S
OPINION/REPORT AND RECOMMENDATION

Pending before the Court is consideration of the Report and Recommendation ("R&R") of the Honorable Michael John Alois, United States Magistrate Judge (Dkt. No. 12), dated June 27, 2016. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to review de novo those portions of the magistrate judge's findings to which objection is made. Failure to file objections to the R&R permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to de novo review is waived. See Webb v. Califano, 468 F.Supp. 825 (E.D. Cal. 1979). To date, no objections have been filed. Accordingly, the review is for clear error. Id.

Upon review of the R&R and the record, the Court adopts the opinion of the Magistrate Judge for the reasons discussed in the R&R (Dkt. No. 12). Therefore, the Court:

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

1. **GRANTS** the respondent's motion to dismiss or for summary judgment (Dkt. No. 8);
2. **ADOPTS** the R&R (Dkt. No. 12); and
3. **DISMISSES** this civil action **WITH PREJUDICE** and **ORDERS** that it be **STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to enter a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se petitioner by certified mail, return receipt requested.

DATED: July 21, 2016.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE